

## BOYCOTT ILLEGAL, BUT GOMPERS GOES FREE

### Federation Heads Escape Jail Because Contempt Was in Civil Case.

#### MAY STILL BE PROSECUTED

#### Supreme Court Holds That Freedom of Speech and Press Are Not Involved.

WASHINGTON, May 15.—The Supreme Court of the United States in an opinion that will probably become historical as a precedent held to-day that the labor boycott is illegal, that it may be enjoined and that violations of the injunction may be punished by fine or imprisonment.

The case decided was that involving the sentences of imprisonment imposed upon Samuel Gompers, president of the American Federation of Labor; Frank Morrison, secretary of that organization, and John Mitchell, a member of the federation council.

The opinion of the court, which was rendered by Associate Justice Lamar, held that the prison sentences imposed on the three defendants were improper because the action against them was a civil and not a criminal action. The court held that because the action for contempt was begun upon the application of the attorneys for the Bucks Store and Range Company and was prosecuted by them it was necessarily a civil action.

Therefore it was held there was no authority in the Supreme Court of the District of Columbia to punish the offense as an act of criminal contempt. The court in its opinion, which was unanimous, says:

"But, as we have shown, this was a proceeding in equity for civil contempt, where the only remedial relief possible was a fine payable to the complainant. The company prayed for such relief as the nature of its case may require, and when the main cause was terminated by a settlement of all differences between the parties the complainant did not require and was not entitled to any compensation or relief of any other character."

"The present proceeding necessarily ended with the settlement of the main cause of which it is a part."

"The criminal sentences imposed in the civil case therefore should be set aside. The judgments of the Court of Appeals and the Supreme Court of the District of Columbia are reversed and the case remanded with direction that the contempt proceedings instituted by the Bucks Store and Range Company be dismissed, but without prejudice to the power and right of the Supreme Court of the District of Columbia to punish by a proper proceeding contempt if any committed against it."

Whether the Supreme Court of the District may feel called on to proceed against the federation officers criminally remains to be seen. The judges could order the United States attorney to prepare the case and proceed with them, but it may be that the court may not feel inclined to do this in view of the long time that has elapsed.

Dealing with the contention of the defendants that should the publication of certain utterances in connection with the Bucks Store and Range Company be construed to amount to a violation of the boycott injunction, they could not be punished therefor on the ground that the court could not abridge the liberty of speech or the freedom of the press, Justice Lamar said:

"If this last proposition were to be an examination of the case or to determine if the defendants had in fact disobeyed the prohibitions contained in the injunction. But we will not enter on a discussion of the constitutional question raised, for the general provisions of the injunction did not in terms restrain any form of publications."

"The defense on this part of the injunction raises no question as to an abridgment of free speech, but involves the power of a court of equity to enjoin the defendants from continuing a boycott which by words and signals, printed or spoken, caused or threatened irreparable damage."

Courts differ as to what constitutes a boycott that may be enjoined. All hold that there must be a conspiracy causing irreparable damage to the business or property of the complainant.

"Some hold that a boycott against the complainant by a combination of persons not immediately connected with him in business can be restrained."

"Others hold that the secondary boycott can be enjoined where the conspiracy extends not only to injuring the complainant but secondarily coerces or attempts to coerce his customers to refrain from dealing with him by threats that unless they do they themselves will be boycotted."

"Others hold that no boycott can be enjoined unless there are acts of physical violence or intimidation caused by threats of physical violence."

But whatever the requirements of the particular jurisdiction as to the conditions under which the injunction against a boycott may issue when these facts exist, the strong current of authority is that the publication and use of letters, circulars and printed matter may constitute a means whereby a boycott is unlawfully continued and their use for such purpose may amount to a violation of the order of injunction.

The court's protective and restraining powers extend to every device where

## LORDS' VETO BILL PASSES.

Gets Full Government Majority in the Commons; Now the Lords Tackle It.

LONDON, May 15.—In the House of Commons to-night the Lords' veto bill passed its third reading by a vote of 302 to 241. This is just the majority of the Government combination.

The announcement of the result was greeted with uproarious enthusiasm. For several minutes Nationalists, Laborites and Radicals stood cheering and waving their hats.

The bill now goes to the House of Lords. Discussing his bill for the reform of the Lords in the upper house to-day Lord Lansdowne said that it was not a substitute for an alternative for the parliamentary bill so-called, but was intended to complement some other bill dealing with the relations of the two houses. He contended that the views of the two chambers were not so far apart after all.

## BERMUDA PILOTS SAFE HERE.

The Missing Chespa Comes in Under Her Own Sail, Crew Rather Hungry.

The pilot boat Chespa of Bermuda, which disappeared from there on Sunday night, May 13, came in here yesterday night after a seven days trip, on part of which the Chespa was lost. When she got her bearings she found she was near New York near Bermuda, so she set sail for this port.

The Chespa, which is sloop rigged, was sighted last yesterday by New York Pilot Boat 5, and the crew of the New York boat boarded her and offered assistance. Capt. Augustus Smith of the Chespa declined aid and said that while the four members of his crew and himself were a little hungry they preferred to pick up a pilot and come in under their own sail.

Capt. Smith got a pilot at Sandy Hook at 5 o'clock and at 9:25 o'clock the Chespa was anchored off Quarantine, where she tied up for the night.

The members of the Chespa's crew besides Capt. Smith are E. Lamb, Robert Lang, James Dugan and G. Richardson. The Chespa's log says that she had to run before a southwest gale and when two days out decided to try for the American coast, knowing that the provisions would not serve for a long beat to windward. Her best day's run was 147 miles from 8 A. M. Tuesday to 8 A. M. Wednesday. Last Friday she spoke the Spanish steamer Mar Negro from Havana for Norfolk which gave her provisions and water and the course and distance to New York. From 8 A. M. Thursday until 8 A. M. Friday she made 124 miles. From Friday 8 A. M. to Saturday 8 A. M. 118 miles; from Saturday 8 A. M. to Sunday 8 A. M. 105 miles.

At 7:30 A. M. on Sunday she sighted a Norwegian steamer and hailed her to connect the course to New York and get provisions and found that she was a hundred miles from New York and fifty miles from Delaware Breakwater. She laid her course for Sandy Hook at 8 A. M. at 2:40 P. M. made Ba-nagat light, at 4 P. M. spoke the steamer Porto Rico and got bearings, sighted the Highlands at 10 A. M. yesterday and got a pilot at 5 P. M.

## ANNUNZIO ON THE INDEX.

All His Works Banned by the Vatican; Also Last Book of Fogazzaro.

ROME, May 15.—A decree was issued to-day by the Congregation of the Index placing on the list of prohibited books all of the works of Gabriele d'Annunzio, whether in prose or verse, and "Leila," the last novel written by the late Antonio Fogazzaro.

## T. R. NOT IN THE RUNNING YET.

Asks Progressive Friends in Nebraska Not to Embarrass Him.

OMAHA, May 15.—Theodore Roosevelt has asked the Progressive Republican League of Nebraska not to put him in nomination for President next year, and in addition to saying that he will be very much embarrassed if his request is unheeded he calls upon his friends to discourage and prevent any such movement.

All this information was contained in a letter written by Mr. Roosevelt and received in Omaha to-day by Frank J. Shotwell, leader of the Progressive Republican League of Nebraska.

Last week Shotwell wrote to Roosevelt telling him that the league wanted to put his name on the primary ticket in November for President and asked his approval.

Mr. Roosevelt's answer, received to-day, reads:

"My dear Mr. Shotwell: I thank you for your letter and very sincerely appreciate your good feeling. You say that you do not wish to embarrass me. Any such movement as that you suggest would very deeply embarrass me, and I must insist that you and any other friends I have shall do their best power to prevent any such movement."

## 323 ON 860.

County Clerk Objects to an Extra \$15 on Loans on Salaries.

County Clerk Schneider appeared before Supreme Court Justice Giegerich yesterday on a motion by the Mercantile Finance Company, a loan concern, to compel him to tax costs against borrowers from the company when the company files a confession of judgment which the borrower must sign before he can get his loan. The County Clerk insisted that taxing costs of \$15 against persons who had already paid \$10 interest for a loan of \$50 for a few months was unjust.

Counsel for the loan concern argued that a law should be passed putting loan concerns on the same basis as pawnbrokers and affording them some protection. At present their only protection is the salary of the borrower, he said. The court reserved decision.

## SAVING 15,000,000 GALLONS OF WATER A DAY.

Commissioner Thompson of the Department of Water Supply said yesterday that the efforts he had been making to prevent waste of water by enforcing the regulations of the department had already resulted in an average daily saving of 15,000,000 gallons. This, he added, meant, on a yearly basis, the saving of 5,500,000,000 gallons, a volume which if sold at the established meter rate would bring a revenue to the city of \$84,810.

## DEWEY'S EVER-FLOWING WINE BOTTLE

Ever in the Market for the Winner.

H. C. DEWEY & SONS CO., 133 Fulton St., N. Y. Ad.

## MADE BAD INDIAN HEAD FIVES

WOMAN'S DIAMOND SET TEETH HELPED TRAIL THE GANG.

Five Caught With Their Lithographic Plate and Imitation Bank Note Paper—Knew They Were Shadowed Here—Starting West When Arrested.

The dark, French looking lady with diamonds set in her incisors, upper jaw, flanking the two front teeth, was an important factor in the discovery of a gang of banknote counterfeiters who slept last night in cells of the Old slip and Church street stations and will be arraigned to-day before United States Commissioner Shields to plead. The lady with the gemmed teeth, Mrs. Cloe Glenard, originally of New Orleans, was among the prisoners. Her husband, James Glenard, was also there, and she was much cooler and infinitely less concerned than her better half. He wept when examined last evening at the Custom House by Richard E. Taylor, head of the secret service in this city and successor to Mr. Flynn, and he declared that he would reveal all. He did not reveal all, however. There was competition in the revealing business.

The slouch of Chief Taylor, including John Henry and Frank Burke, had been following the gang, chiefly through their association with the lady with the flashing teeth, for more than six weeks and letting them do what they willed up to the point of making proofs of bogus "Indian Head" \$5 silver certificates, known to the secret service men as "One Papa" bills.

The prisoners other than Glenard and his wife are Marko Pagonich, 34, a Montenegrin who has been long enough in America to speak the language with only a slight accent, except when requested to tell about things that mean trouble for him; Sam Pekovich, also a Montenegrin, 25, whose card makes him out "President of the King River Mining Company," with offices at Douglas, Alaska, and Michaelo Karakashnick, an Albanian engraver, whose last residence was 433 Sixth street.

Chief Taylor got onto the scheme of the counterfeiters through shadowing the Montenegrins, who were suspected of counterfeiting ten kroner Austrian notes. This enterprise apparently fell through and the Montenegrins decided to go in for flooding Alaska with bogus American money. They fell in with Glenard, who says he was for fifteen years on the police force of New Orleans, and who has been keeping a boarding house in this city. The Montenegrins found it necessary to have some one who could write and speak English perfectly to do business for them through the mail and the telephone. They met Glenard in a saloon and Glenard liked the proposition that they put up to him. They told him about previous successes in counterfeiting and said they had an excellent engraver who would turn out a plate for \$500. Glenard and his wife had several hundred dollars in cash and she had besides the diamonds in her teeth a lot of valuable jewelry. She pawned some of it to help out the counterfeiters.

The first deal between Glenard and the Montenegrins was made in the house at 462 Eighth avenue, where the Glenards rented rooms. Glenard remarked then that he thought that the Montenegrins were being shadowed. They swiftly shifted to 216 West Fifty-third street, selling all their furniture and making an effort to leave no trail at this house. The Albanian engraver made the lithographic plate for the "One Papa" bill on a stone about ten by twelve inches, with a device for imitating in print the thread markings on the paper.

The slouch still had the conspirators under surveillance. Their clue was the lady with the shimmering teeth. Glenard became frightened. He knew that the secret service men were after him and he feared that it might mean a long term in prison. He revealed his fears to the Montenegrins and they threatened, as he says, to assassinate him if he attempted to desert them. The whole party fled again to Hoboken, going separately to avoid the shadows. The lady with the diamond teeth rented a whole house at 6 Patterson avenue, Hoboken, where she had the jewelry raised and pawned some of her jewelry to raise the money. The party occupied only the ground floor. Glenard saw when he emerged from the house for the first time that the trailers of the Government were on the job. He thought of surrendering himself and giving the whole thing away, but he says he was held back by the fear of death from his confederates.

Chief Taylor might have taken in the whole outfit then, but he wanted more evidence. He was forced to act yesterday when the Montenegrins and Glenard and his wife, who had moved back over to the second floor of 216 East Sixteenth street, began making preparations to leave the city. Sam Pekovich had bought a ticket to Douglas, Alaska, and a lithographic stone and the engraver's tools had been packed, with ink, paper and other necessary material, all bought in this city from dealers who will be able to identify the purchasers. The plan of the conspirators was to take the whole outfit to Alaska and begin printing and shipping there.

The rest of the counterfeiters had tickets only to Chicago. When all were about to leave the house for the Grand Central Station Taylor and his men corralled the bunch. The engraver was not caught with the others, but he had been under watch and was picked up on the street a few minutes later.

The prisoners arrived at the Custom House about 1 o'clock and were there undergoing grilling until nearly 8 o'clock last night. The counterfeiters had struck off several proofs, which the secret service seized. Chief Taylor says the counterfeiters were unusually well executed.

## Chicago Aeroplane Meet in August.

The Aero Club of Chicago has raised \$50,000 of \$100,000 needed for a meet to be held from August 12 to 18. The plan is to hold the meet at Grant Park. As many of the principal foreign meets will be over at this time it is believed that there will be no difficulty in securing aviators from the other side.

## GO TO VIRGINIA HOT SPRINGS

OVER DEATH OF DAUGHTER.

Special Pullman service leave New Penn. Station 5:35 P. M. daily.—Ad.

## SAV DIAZ HAS RESIGNED.

Document in the Hands of a Committee of the Mexican Congress.

MEXICO CITY, May 15.—It is stated upon the highest authority here that the resignation of President Diaz has actually been written and that it takes effect immediately.

It is said that it is in the hands of a special committee of the national Congress, to whom he sent it last Saturday.

It is understood that the reason why it has not been acted upon as yet is that the committee called at the residence of the President this morning to request him to recall it before it should be publicly presented to the Congress for its action.

## MRS. CARNEGIE GOOD FAIRY.

Sends \$100 to Janitoress Who Hid in the Palace to Hear Andy Speak.

PITTSBURGH, May 15.—Mrs. Annie Moore, a janitoress at the Carnegie Institute, had heard so much about Andrew Carnegie and what a great talker he is that she wanted to hear him.

That was her reason for concealing herself under the masses of tropical foliage with which the stage in the institute music hall was decorated on the occasion of the fifteenth annual celebration of founders day last month.

There she remained for hours in a very uncomfortable position. But she had the satisfaction of hearing the Laird speak and went home happy, believing that no one was the wiser.

But one person said her in her hiding place and that was Mrs. Carnegie from her seat in one of the boxes. Later Mrs. Carnegie made an investigation.

Yesterday Mrs. Moore got a kindly letter from Mrs. Carnegie enclosing a check for \$100.

## AFTER DARK TRADING.

Brokers' Offices Keep Open Late for Hits on Effect of the Decision.

The Standard Oil decision, coming as it did late in the afternoon long after the New York Stock Exchange had closed, gave traders who wanted to unload stocks or buy on the strength of the decision their first chances in the London market. This meant that brokerage houses with London connections kept open late to take commitments on the foreign exchanges or the London curb.

Some of them sent reports out over the tickers that they would be open for business far into the night. In most cases it was indicated that the offices which would stay open late were those in the uptown financial district. The downtown houses kept open chiefly to execute orders which their uptown branches received. New York hasn't had so much after dark trading in a long time.

## SUES CITY FOR STRIKE LOSS.

Express Co. Says Jersey City Failed to Give It Adequate Protection.

TRENTON, N. J., May 15.—The United States Express Company filed a declaration in the Supreme Court to-day in its suit to recover \$250,000 from Jersey City on account of losses sustained during the expressmen's strike last fall. The declaration alleges that Mayor Wittenberg and the police department of Jersey City failed to furnish proper protection to the express company or to take adequate action to suppress the rioting which resulted in tying up the business of the express company and the destruction of its property. It is also shown that in the large quantity of express matter, delivery of which was tied up by the strikers and their sympathizers, there was much perishable merchandise.

The declaration states in some detail how the company's stables were mobbed, its wagons overturned in the streets and its business interrupted. The company seeks to hold the city responsible because of its failure to adopt suitable protective methods.

## ARMY CAPTAINS BARRED OUT.

Skating Rink Man to Be Prosecuted for Insult to United States Uniform.

TUCSON, ARIZ., May 15.—Two army captains are to bring the first proceedings in the United States under the new Congressional act approved March 1 and entitled "An act to protect the dignity and honor of the uniform of the United States."

The officers are Capt. E. O. C. Ord, retired, inspector of Arizona militia, and Capt. Duncan K. Major, Eighteenth Infantry, temporarily in command of Whipple Barracks at Prescott. Admission to a skating rink was refused them because of their uniforms, and they will enter complaint to United States Attorney Morrison, acting for the Federal Government, for the prosecution of the rink proprietor, Edward Darlington.

The attention of the War Department has been called to the incident and the Department of Justice will direct the prosecution.

## SPENDTHRIFT FUND FOR SALE.

Chance to Buy a \$50,000 Fortune if Brannan Dies Childless.

BOSTON, May 15.—Hammond Brannan, former clubman and broker, stands to lose the \$50,000 "spendthrift" trust fund created for him by his father unless he bids it in or has it bid in to-morrow when it is put up at auction.

The sale of Hammond's fund is by order of the trustees in his bankruptcy case. The auction is announced in the advertisement as follows:

Win or Lose—A \$50,000 fortune, now tied up in a spendthrift trust; if the man dies without a child you get the whole; if the man dies leaving a child you get nothing. He hasn't any child now and we don't think he ever will have any.

It was under the words of the trust "To his legal representatives" that the auction sale is sanctioned by the Supreme Court.

Brannan after his first wife divorced him married Rose O'Neil, a chorus girl, at Stamford, after a hurried trip from New York. He sued for divorce less than a year ago but withdrew the suit. Benjamin Brannan of Cambridge got a judgment of \$5,500 against Brannan for running him down with an automobile and had the broker arrested for non-payment when he returned to Boston with his chorus girl bride. Brannan got his liberty by filing a bankruptcy petition giving his assets as about \$5,000 less than his liabilities of \$57,757.

## STANDARD OIL MUST DISSOLVE

### Supreme Court Says It Is Bad and Gives It Six Months to Quit In.

#### NOT ALL COMBINES FORBID

#### Might Otherwise Be Necessary to Declare the Sherman Act Void.

Restraint of Trade Must Be Undue and Unreasonable or Characterized by Intent of Monopoly to Come in the Forbidden Class—From This Justice Harlan Dissents—Reading of the Decision Not Begun Until 4, and It Was 6 Before the Crowd in the Court Room Knew That the Tobacco Case Had Gone Over—Attorney-General Wickham Says That He Is Satisfied.

WASHINGTON, May 15.—The Supreme Court of the United States to-day ordered the dissolution of the Standard Oil Company of New Jersey. In connection with this decree it also handed down its interpretation of the Sherman anti-trust law, long awaited by an anxious business world.

In this, the first of its big decisions in the anti-trust cases, the court holds that the Standard Oil Company is a conspiracy in restraint of trade and a monopoly in contravention of the Sherman anti-trust law. Thus after a fight of many years, in which every obstacle known to the legal profession has been interposed, the Federal Government has finally succeeded in its effort to compel this giant corporation to cast off its hold on the oil business and to separate itself into its thirty-three constituent parts.

To accomplish this gigantic undertaking the court sets a period of six months. This is an extension of five months over the time allotted in the dissolution decree of the lower court. The decree of the Circuit Court was modified by the Supreme Court in only one other particular. The Supreme Court orders that the Standard Oil Company and its subsidiaries shall not be excluded from interstate commerce pending the putting of its house in order.

The decision of the court fails to point out any way in which the Standard Oil Company may dissolve and reorganize.

"We construe the decree," said the court, "not as depriving the stockholders or the corporations, after the dissolution of this combination, of the power to make normal and lawful contracts or agreements, but as restraining them from, by any device, whatever, recreating directly or indirectly the illegal combination which the decree dissolved."

The decision of the court in regard to the general interpretation of the Sherman anti-trust law was awaited with greater anxiety by the business world than the finding of fact in the Standard Oil case. The court holds that it is necessary to distinguish between "reasonable" and "unreasonable" restraint of trade as covered by the Sherman anti-trust law.

LEGAL VIEWS OF THE RULINGS.

The effect of the decision as viewed by distinguished lawyers is to insert the word "unreasonable" into the general prohibition in the Sherman anti-trust law against combinations in restraint of trade. The Supreme Court has thus eliminated the uncertainty with which all business combinations regarded the Sherman anti-trust law, and in the future it will be up to the Government to draw the line between good and bad trusts. The anti-trust law as construed by the court does not apply to all combinations, contracts or acts in restraint of trade, but only to those who are shown to be unreasonable and in which the intent to form an unlawful conspiracy or monopoly can be proved or inferred. The general effect of the decision was regarded in Washington as distinctly reassuring to business.

The decision of the court was read by Chief Justice Edward Douglass White. It was unanimous, with the exception of Associate Justice Harlan's dissent. Justice Harlan's words were marked by biting sarcasm. He contended that the court had not gone far enough, and he objected particularly to the words of the Chief Justice in construing the scope and purpose of the anti-trust act.

He declared that the court had rendered an opinion that reversed an unbroken line of decisions for fifteen years past. He criticized the corporation lawyers who, failing to get an amendment to laws through Congress, came to the United States courts for relief. He added with manifest sarcasm that it was becoming fashionable to amend the Constitution and the Federal statutes by judicial constructions. It was the interpretation of the Sherman law so as to apply only to unreasonable combinations to which Associate Justice Harlan objected so vigorously.

## WICKHAM PLEADED.

Attorney-General Wickham and other officers of the Administration do not, however, share the gloom that seemed to enshroud Associate Justice

## TO RELIEVE INSOMNIA take this

spoonful of MORONA and breathe in wafted Quies nerves and induce refreshing sleep.—Adv

Harlan. The Attorney-General and Frank B. Kellogg, who was special counsel for the Government in the preparation and trial of the case, declared themselves greatly pleased over the decision.

The opinion of the court was delivered at an hour this afternoon when that tribunal has usually adjourned for the day. It was shortly after 4 o'clock when the Chief Justice suddenly announced in a matter of fact way that he had the opinion of the court in the United States against the Standard Oil Company.

Most of the lawyers who had been thronging the court room on decision days for several weeks in anticipation of opinions in the Standard Oil and tobacco trust cases had left, but the news quickly flashed through the Capitol, and within a short time the court room and the corridors leading to it were filled with people, including many Senators and Representatives, who were struggling to gain admission.

The opinion covered thirty pages of printed matter, but the Chief Justice in delivering it followed his usual rule and stated the court's conclusions orally. Twice in the course of his opinion the Chief Justice strongly hinted that if the Sherman law were not construed in the light of reason but instead was held to be a literal prohibition against all contracts and combinations that had a tendency to restrain trade the statute might fall under the objection of being repugnant to the Constitution.

The court did not announce the decision in regard to the tobacco trust case, and in view of its determination to distinguish between good and bad trusts the Standard Oil decision, it is contended, cannot be taken as a definite indication of its judgment in the other case.

## THE GOVERNMENT'S CONTENTION.

Chief Justice White in beginning briefly recited the history of the Standard Oil case and the allegations made in the Government's bill of complaint. The Government alleged, he said, that the conspiracy was formed in or about the year 1870 by John D. Rockefeller, William Rockefeller and Henry M. Flagler. The Government contended that the conspiracy was formed in or about the year 1870 by John D. Rockefeller, William Rockefeller and Henry M. Flagler. The Government contended that the conspiracy was formed in or about the year 1870 by John D. Rockefeller, William Rockefeller and Henry M. Flagler.

The Government alleged that in the period from 1870 to 1882 the defendants, in connection with the Standard Oil Company of Ohio, purchased and obtained the interests through stock ownership and otherwise in and entered into agreements with various persons, firms, corporations and limited partnerships engaged in purchasing, shipping, refining and selling petroleum and its products for the purpose of fixing the price of crude and refined oil and its products and limiting the production thereof.

The control of pipe line facilities was added to the other advantages, until at the end of the first period of the existence of the alleged conspiracy it controlled 90 per cent. of the business of producing, shipping, refining and selling petroleum and its products. The second period covered by the Government's bill related, the Chief Justice pointed out, to the formation of the trust agreement in which ninety trustees took over the business of the various corporations controlled by the Standard Oil Company of Ohio. This trust agreement was made in 1882 and the parties interested in the formation of it received trust certificates to represent their interest therein. It was this trust agreement which was the subject of the proceedings commenced by the Attorney-General of Ohio and the trust agreement adjudged to be void. The contempt proceedings brought by the Attorney-General of Ohio are recited as proof of one of the acts in the conspiracy.

## STANDARD OIL COMPANY OF NEW JERSEY.

Following this came the chartering of the Standard Oil Company of New Jersey in 1892, which has since continued as the nucleus of the power of the Standard Oil monopoly. The Chief Justice reviewed the specific acts tending to establish a conspiracy in restraint of trade as set forth by the Government.

The Chief Justice pointed out that by the decree of the lower court the Standard Oil Company of New Jersey, seven individual defendants including the Rockefellers, thirty-six domestic companies and one foreign company were held to be parties to an unlawful combination. Under the decree the Standard Oil Company of New Jersey was enjoined from voting the stocks or exercising any control over the thirty-seven subsidiary companies and these subsidiaries in turn were enjoined from paying any dividends to the Standard company or permitting it to exercise any control over them. The individuals and corporations were also enjoined from any like combination which would evade the decree. The defendants were also enjoined from engaging or continuing interstate commerce in petroleum or its products during the continuance of the illegal combination.

## THE QUESTION OF JURISDICTION.

The first question the court in to-day's decision disposed of was that as to jurisdiction. When the bill was first filed in the United States Circuit Court for the Eighth circuit a service was had only upon the Waters-Pierce Oil Company, one of the defendants resident in the jurisdiction. The court, however, took jurisdiction over the cause and had service issued upon all of the other defendants non-resident. The Supreme Court held to-day that this order was properly made and that the jurisdiction of the court over all of the defendants could not be questioned. The court also held that the lower court had a right to take into consideration the acts of the defendants prior to the passage of the Sherman anti-trust law and that it properly overruled the exceptions taken by the defendants to so much of the Government's bill as related to acts committed before the passage of the anti-trust act.

## MERITS OF THE CONTROVERSY.

At the outset of the consideration of the merits of the controversy the Chief Justice pointed out the difficulties under which the court labored. Said he:

"Both as to the law and as to the facts the opposing contentions pressed in the argument are numerous and in all their aspects are so irreconcilable that it is difficult to reduce them to some fundamental generalization which by being disposed of would decide them all. For instance, as to the law. While both sides agree that the determination of the controversy rests upon the correct construction and application of the first and

second sections of the anti-trust act, yet the views as to the meaning of the act are as wide apart as the poles, since there is no real point of agreement on any view of the act. And this also is the case as to the scope and effect of authorities relied upon, even although in some instances one and the same authority is asserted to be controlling.

"So also is it as to the facts. Thus on the one hand with relentless pertinacity and minuteness of analysis it is insisted that the facts established that the alleged combination took its birth in a purpose to unlawfully acquire wealth by oppressing the public and destroying the just rights of others, and that its entire career exemplifies an inexorable carrying out of such wrongful intents, since, it is asserted, the pathway of the combination from the beginning to the time of the filing of the bill is marked with constant proofs of wrong inflicted on the public and is strewn with the wrecks resulting from crushing out without regard to the law the individual rights of others. Indeed, so conclusive, it is urged, is the proof on these subjects that it is asserted that the existence of the principle of corporate restraint and habits of dealing, which defendant—The Standard Oil Company of New Jersey—with the vast accumulation of property which it owns or controls, because of its infinite potency for harm and the dangerous example which its continued existence affords is an open and enduring menace to all freedom of trade and is a byword and reproach to modern economic methods.

## CONTENTION OF THE DEFENDANTS.

On the other hand, in a powerful analysis of the facts it is insisted that they demonstrate that the origin and development of the vast business which the defendants control was but the result of lawful competitive methods guided by economic genius of the highest order, sustained by courage, by a keen insight into commercial situations, resulting in the acquisition of great wealth, but at the same time serving to stimulate and increase production, to widely extend the distribution of the products of petroleum at a cost largely below that which would have otherwise prevailed, thus proving to be at one and the same time a benefaction to the general public as well as of enormous advantage to individuals. It is not denied that in the enormous volume of proof contained in the record in the period of almost a lifetime to which that proof is addressed there may be found acts of wrongdoing, but the insistence is that they were rather the exception than the rule, and in most cases were either the result of too great individual zeal in the keen rivalries of business or of the methods and habits of dealing, which even if wrong were commonly practiced at the time. And to discover and state the truth concerning these contentions both arguments call for the analysis and weighing, as we have said at the outset, of a jungle of conflicting testimony covering a period of forty years, a duty difficult to rightly perform, and even if satisfactorily accomplished almost impossible to state with any reasonable regard to brevity.

"Duly appreciating the situation just stated, it is certain that only one point of concord between the parties is discernible, which is that the controversy in every aspect is controlled by correct conception of the meaning of the first and second sections of the anti-trust act."